IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37668 of 2007(H)

PETITIONER:

P.G. MURALEEDHARAN NAIR,
PANDIPPILLIL HOUSE, EDAVATTI P.O.,
THODUPUZHA. (RETIRED FOREST GUARD).

BY ADV. SRI.N.K.KARNIS

RESPONDENTS:

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1. DIVISIONAL FOREST OFFICER,
OFFICE OF THE DIVISIONAL FOREST OFFICE,
MUNNAR, DEVIKULAM.

2. RANGE OFFICER,
FOREST RANGE OFFICE, KUMILY.

3. FOREST CONSERVATOR (HIGH RANGE CIRCLE),
MUNNAR HIGH RANGE CIRCLE FOREST CONSERVATORS'
OFFICE, KOTTAYAM.

BY G.P.SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI, J.

W.P.(C).NO.37668 OF 2007-H

Dated this the 19th day of December, 2007.

JUDGMENT

Petitioner essentially challenges Ext.P1, which is only a memo of charges issued on 15.6.2006. He has already submitted his explanation to the same as per Ext.P7. The learned counsel for the petitioner submits that the allegations contained in Ext.P1 relate to an incident, which took place more than four years prior to the date of retirement and, therefore, disciplinary proceedings ought not to be taken on the same. The petitioner further submits that memo of charges was not issued to him prior to the retirement. According to him, the date of actual service of the same was subsequently changed.

2. In my view there is no ground warranting interference with Ext.P1. It is only a memo of charges. It is open to the petitioner to take up all available contentions thereto to controvert the same. Obviously, the respondents will be bound to consider the same in the course of passing final orders pursuant to Ext.P1.

3. The petitioner has a further grievance regarding delay in disbursal of the retirement benefits. In the circumstance, the benefits could be disbursed only on completion of the proceedings initiated under Ext.P1.

After having heard the learned Government Pleader also, this writ petition is disposed of directing the 1st respondent to complete the proceedings initiated under Ext.P1 as early as possible, at any rate, within a period of six months from the date of receipt of a copy of this judgment. The question of disbursal of retirement benefits due to the petitioner will be considered only after appropriate action is taken on completion of the proceedings subject to the orders to be passed therein.

V. GIRI, JUDGE.

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